



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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June 6, 2023

BY ECF

The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *First Look Institute, Inc., et al. v. National Institutes of Health,*
No. 21 Civ. 4024 (GHW)

Dear Judge Woods:

In accordance with the Court's order dated May 8, 2023 (ECF No. 65), we write respectfully to provide a status report in this Freedom of Information Act ("FOIA") matter.

As explained in prior status reports, defendant the National Institutes of Health ("NIH") made a second release of previously-withheld material on January 11, 2023. Plaintiffs provided a response to that production on May 1, 2023, raising questions concerning one record withheld in part pursuant to exemptions asserted by non-party the Federal Bureau of Investigation ("FBI").

Plaintiffs and the FBI have since met and conferred concerning the record at issue. The FBI is in the process of evaluating whether it can release limited portions of the record, and plaintiffs and the FBI will continue to confer in an effort to resolve this outstanding dispute. Nonetheless, given the likelihood that summary judgment briefing will be necessary, plaintiffs and the FBI respectfully request that the Court endorse the following schedule for their anticipated cross-motions:

- Tuesday, August 1, 2023: FBI's motion for summary judgment
- Friday, September 15, 2023: Plaintiffs' opposition and cross-motion for summary judgment
- Tuesday, October 17, 2023: FBI's opposition and reply

- Tuesday, October 31, 2023: Plaintiffs' reply

This schedule will allow plaintiffs and the FBI sufficient time to further explore consensual resolution prior to briefing.

We thank the Court for its consideration of this letter.

Respectfully submitted,

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cc: *Plaintiffs' counsel* (by ECF)